

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FILED ON:

FILE NO.: 08-6087

CASE NO.: 07-CV-10639 (LAK)

WILLIAM A. GROSS CONSTRUCTION ASSOCIATIONS, INC.

Plaintiff(s)-Petitioner(s)

-VS-

AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY

Defendant(s)-Respondent(s)

STATE OF NEW YORK}
COUNTY OF SCHENECTADY ss.}

I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On JULY 14, 2008

at 2:25 P.M.

Deponent served a true copy of
bearing index number: 07-CV-10639 and date of filing:SEMI-ANNUAL CIVIL ACTION, FIFTH-PARTY COMPLAINT, NOTICE OF CONFERENCE, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK, ELECTRONIC
CASE FILING RULES & INSTRUCTIONS

upon PYRAMID FIRE PROTECTION, INC.

at address: THE SECRETARY OF STATE, 99 WASHINGTON AVENUE
City & State: ALBANY, NEW YORK 12210MANNER OF SERVICE}PERSONAL

- ☐
- By delivering to and leaving with personally}
-
- known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐
- By delivering and leaving with personally}
-
- at the premises which is recipient's actual place of business/usual place of abode. Such person knowing the person to be served and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒
- By delivering and leaving with}
- CAROL VOGT**
-
- the agent for service on the person in this proceeding designated under Rule 306 BCL. Service having been made to such person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐
- By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above.
-
- Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the following dates and times:

MAILING

- ☐
- Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential" and mailed to the person stated above at address
-
- on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action against the recipient. The envelope was mailed by ___ first class mail ___ certified mail ___ registered mail ___ return receipt requested.

Deponent further states upon information and belief that said person so served is not in the Military service of the State of New York or the United States as the term is defined in either State or Federal statutes.

DESCRIPTION deponent describes the person actually served as:

Sex: FEMALE

Race/Skin Color: WHITE

Approximate Age: 54 years Approximate Height: 5'4"

Other: Hair Color: BROWN Approximate Weight: 125 pounds

Subscribed and sworn before me on} JULY 14, 2008

Kathryn A. Rock #01R06065213
Notary Public, State of New York
Qualified in Schenectady County
Commission Expires 10/09/2009Kathryn A. Rock-McClosky
Commissioner of Deeds
Qualified in Schenectady County
Commission Expires 08/27/2004Attorney Info:
Michael A. Cardozo
350 Jay Street Eighth Floor
Brooklyn, New York 11201Mark E. McClosky
Deponent

affidavit number: 200811042

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FILED ON:

FILE NO.: 08-6087
CASE NO.: 07-CV-10639 (LAK)

WILLIAM A. GROSS CONSTRUCTION ASSOCIATIONS, INC.

Plaintiff(s)-Petitioner(s)

-VS-

AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY

Defendant(s)-Respondent(s)

STATE OF NEW YORK)
COUNTY OF SCHENECTADY ss.}

I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On JULY 14, 2008 at 2:25 P.M.

Deponent served a true copy of
bearing index number: 07-CV-10639 and date of filing:upon **BEAUBOIS CANADA, INC.**at address: **THE SECRETARY OF STATE, 99 WASHINGTON AVENUE**
City & State: **ALBANY, NEW YORK 12210**MANNER OF SERVICE}PERSONAL

- ☐
- By delivering to and leaving with personally }
-
- known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐
- By delivering and leaving with personally }
-
- at the premises which is recipient's actual place of business/usual place of abode. Such person knowing the person to be served and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒
- By delivering and leaving with }
- CAROL VOGT**
-
- the agent for service on the person in this proceeding designated under Rule 306 BCL. Service having been made to such person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐
- By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above. Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the following dates and times:

MAILING

- ☐
- Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential" and mailed to the person stated above at address
-
- on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action against the recipient. The envelope was mailed by
- first class mail
- certified mail
- registered mail
- return receipt requested
- .

Deponent further states upon information and belief that said person so served is not in the Military service of the State of New York or the United States as the term is defined in either State or Federal statutes.

DESCRIPTION} deponent describes the person actually served as:

Sex: FEMALE

Race/Skin Color: WHITE

Approximate Age: 54 years Approximate Height: 5'4"

Other:

Hair Color: BROWN

Approximate Weight: 125 pounds

Subscribed and sworn before me on } JULY 14, 2008

Karen E. Rock #01R06065213
Notary Public, State of New York
Qualified in Schenectady County
Commission Expires 10/09/2009Kathryn A. Rock-McClosky
Commissioner of Deeds
Qualified in Schenectady County
Commission Expires 08/27/2004Attorney Info:
Michael A. Cardozo
350 Jay Street - Eighth Floor
Brooklyn, New York 11201Mark E. McClosky
Deponent

affidavit number: 200811040

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AFFIDAVIT OF SERVICE

FILED ON:

FILE NO.: 08-6087

CASE NO.: 07-CV-10639 (LAK)

WILLIAM A. GROSS CONSTRUCTION ASSOCIATIONS, INC.

Plaintiff(s)-Petitioner(s)

-VS-

AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY

Defendant(s)-Respondent(s)

STATE OF NEW YORK}
COUNTY OF SCHENECTADY ss.}

I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On JULY 14, 2008

at 2:25 P.M.

Deponent served a true copy of
bearing index number: 07-CV-10639 and date of filing:upon **RAFAEL VINOLY ARCHITECTS, P.C.**at address: **THE SECRETARY OF STATE, 99 WASHINGTON AVENUE**City & State: **ALBANY, NEW YORK 12210**MANNER OF SERVICE}PERSONAL

- ☐ By delivering to and leaving with personally}
known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐ By delivering and leaving with personally}
at the premises which is recipient's actual place of business/usual place of abode. Such person knowing the person to be served and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒ By delivering and leaving with} **CAROL VOGT**
the agent for service on the person in this proceeding designated under Rule 306 BCL. Service having been made to such person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐ By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above. Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the following dates and times:

MAILING

- ☐ Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential" and mailed to the person stated above at address on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action against the recipient. The envelope was mailed by first class mail certified mail registered mail return receipt requested.

Deponent further states upon information and belief that said person so served is not in the Military service of the State of New York or the United States as the term is defined in either State or Federal statutes.

DESCRIPTION} deponent describes the person actually served as:

Sex: FEMALE

Race/Skin Color: WHITE

Approximate Age: 54 years Approximate Height: 5'4"

Other: Hair Color: BROWN

Approximate Weight: 125 pounds

Subscribed and sworn before me on} JULY 14, 2008

Karen E. Rock #01R06065213

Kathryn A. Rock-McClosky

Notary Public, State of New York

Commissioner of Deeds

Qualified in Schenectady County

Qualified in Schenectady County

Commission Expires 10/09/2009

Commission Expires 08/27/2004

Attorney Info:

Michael A. Cardozo
350 Jay Street - Eighth Floor
Brooklyn, New York 11201Mark E. McClosky
Deponent

affidavit number: 200811037

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FILED ON:

FILE NO.: 08-6087
CASE NO.: 07-CV-10639 (LAK)

WILLIAM A. GROSS CONSTRUCTION ASSOCIATIONS, INC.

Plaintiff(s)-Petitioner(s)

-VS-

AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY

Defendant(s)-Respondent(s)

STATE OF NEW YORK
COUNTY OF SCHENECTADY ss.}

I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On JULY 14, 2008

at 2:25 P.M.

Deponent served a true copy of
bearing index number: 07-CV-10639 and date of filing:

upon BOVIS LEND LEASE LMB, INC.

at address: THE SECRETARY OF STATE, 99 WASHINGTON AVENUE
City & State: ALBANY, NEW YORK 12210MANNER OF SERVICE}PERSONAL

- ☐
- By delivering to and leaving with personally
-
- known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐
- By delivering and leaving with personally
-
- at the premises which is recipient's actual place of business/usual place of abode. Such person knowing the person to be served and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒
- By delivering and leaving with } CAROL VOGT
-
- the agent for service on the person in this proceeding designated under Rule 306 BCL. Service having been made to such person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐
- By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above. Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the following dates and times:

MAILING

- ☐
- Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential" and mailed to the person stated above at address
-
- on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action against the recipient. The envelope was mailed by ___ first class mail ___ certified mail ___ registered mail ___ return receipt requested.

Deponent further states upon information and belief that said person so served is not in the Military service of the State of New York or the United States as the term is defined in either State or Federal statutes.

DESCRIPTION} deponent describes the person actually served as:

Sex: FEMALE

Race/Skin Color: WHITE

Approximate Age: 54 years Approximate Height: 5'4"

Other: Hair Color: BROWN Approximate Weight: 125 pounds

Subscribed and sworn before me on } JULY 14, 2008

Karen E. Rock #01R06065213
Notary Public, State of New York
Qualified in Schenectady County
Commission Expires 10/09/2009Kathryn A. Rock-McClosky
Commissioner of Deeds
Qualified in Schenectady County
Commission Expires 08/27/2004Attorney Info:
Michael A. Cardozo
350 Jay Street - Eighth Floor
Brooklyn, New York 11201Mark E. McClosky
Deponent

affidavit number: 200811038

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AFFIDAVIT OF SERVICE

FILED ON:

FILE NO.: 08-6087

CASE NO.: 07-CV-10639 (LAK)

WILLIAM A. GROSS CONSTRUCTION ASSOCIATIONS, INC.

Plaintiff(s)-Petitioner(s)

-VS-

AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY

Defendant(s)-Respondent(s)

STATE OF NEW YORK}
COUNTY OF SCHENECTADY ss.}

I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On JULY 14, 2008

at 2:25 P.M.

Deponent served a true copy of
bearing index number: 07-CV-10639 and date of filing:
upon TRACTEL, INC.SUMMONS IN A CIVIL ACTION, FIFTH-PARTY COMPLAINT, NOTICE OF CONFERENCE, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK, ELECTRONIC
CASE FILING RULES & INSTRUCTIONSat address: THE SECRETARY OF STATE, 99 WASHINGTON AVENUE
City & State: ALBANY, NEW YORK 12210MANNER OF SERVICEPERSONAL

- ☐
- By delivering to and leaving with personally}
-
- known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐
- By delivering and leaving with personally}
-
- at the premises which is recipient's actual place of business/usual place of abode. Such person knowing the person to be served and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒
- By delivering and leaving with} CAROL VOGT
-
- the agent for service on the person in this proceeding designated under Rule 306 BCL. Service having been made to such person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐
- By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above. Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the following dates and times:

MAILING

- ☐
- Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential" and mailed to the person stated above at address on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action against the recipient. The envelope was mailed by __first class mail __certified mail __registered mail __return receipt requested.

Deponent further states upon information and belief that said person so served is not in the Military service of the State of New York or the United States as the term is defined in either State or Federal statutes.

DESCRIPTION deponent describes the person actually served as:

Sex: FEMALE

Race/Skin Color: WHITE

Approximate Age: 54 years

Approximate Height: 5'4"

Other:

Hair Color: BROWN

Approximate Weight: 125 pounds

Subscribed and sworn before me on} JULY 14, 2008

Kathryn A. Rock #01R06065213
Notary Public, State of New York
Qualified in Schenectady County
Commission Expires: 10/09/2009Kathryn A. Rock-McClosky
Commissioner of Deeds
Qualified in Schenectady County
Commission Expires: 08/27/2004Attorney Info:
Michael A. Cardozo
350 Jay Street - Eighth Floor
Brooklyn, New York 11201Mark E. McClosky
Deponent

affidavit number: 200811043

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AFFIDAVIT OF SERVICE

FILED ON:

FILE NO.: 08-6087

CASE NO.: 07-CV-10639 (LAK)

WILLIAM A. GROSS CONSTRUCTION ASSOCIATIONS, INC.

Plaintiff(s)-Petitioner(s)

-VS-

AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY

Defendant(s)-Respondent(s)

STATE OF NEW YORK}
COUNTY OF SCHENECTADY ss.}

I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On JULY 14, 2008

at 2:25 P.M.

Deponent served a true copy of
bearing index number: 07-CV-10639 and date of filing:
upon ENCLOS CORPORATIONat address: THE SECRETARY OF STATE, 99 WASHINGTON AVENUE
City & State: ALBANY, NEW YORK 12210SUMMONS IN A CIVIL ACTION, FIFTH-PARTY COMPLAINT, NOTICE OF CONFERENCE, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK, ELECTRONIC
CASE FILING RULES & INSTRUCTIONSMANNER OF SERVICE}PERSONAL

- ☐
- By delivering to and leaving with personally
-
- known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐
- By delivering and leaving with personally
-
- at the premises which is recipient's actual place of business/usual place of abode. Such person knowing the person to be served
-
- and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒
- By delivering and leaving with} CAROL VOGT
-
- the agent for service on the person in this proceeding designated under Rule 306 BCL . Service having been made to such
-
- person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐
- By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above.
-
- Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and
-
- discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the
-
- following dates and times:

MAILING

- ☐
- Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository
-
- under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential"
-
- and mailed to the person stated above at address
-
- on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action
-
- against the recipient. The envelope was mailed by __first class mail __certified mail __registered mail __return receipt requested.

Deponent further states upon information and belief that said person so served is not in the Military service
of the State of New York or the United States as the term is defined in either State or Federal statutes.DESCRIPTION} deponent describes the person actually served as:Sex: FEMALE Race/Skin Color: WHITE
Approximate Age: 54 years Approximate Height: 5'4"
Other:Hair Color: BROWN
Approximate Weight: 125 pounds

Subscribed and sworn before me on} JULY 14, 2008

Karen E. Rock #01R06065213
Notary Public, State of New York
Qualified in Schenectady County
Commission Expires 10/09/2009Kathryn A. Rock-McClosky
Commissioner of Deeds
Qualified in Schenectady County
Commission Expires 08/27/2004Attorney Info:
Michael A. Cardozo
350 Jay Street - Eighth Floor
Brooklyn, New York 11201Mark E. McClosky
Deponent

affidavit number: 200811044

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AFFIDAVIT OF SERVICE

FILED ON:

FILE NO.: 08-6087

CASE NO.: 07-CV-10639 (LAK)

WILLIAM A. GROSS CONSTRUCTION ASSOCIATIONS, INC.

Plaintiff(s)-Petitioner(s)

-VS-

AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY

Defendant(s)-Respondent(s)

STATE OF NEW YORK}
COUNTY OF SCHENECTADY ss.}

I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On JULY 14, 2008

at 2:25 P.M.

Deponent served a true copy of
bearing index number: 07-CV-10639 and date of filing:upon **DIERKS HEATING COMPANY, INC.**at address: **THE SECRETARY OF STATE, 99 WASHINGTON AVENUE**
City & State: **ALBANY, NEW YORK 12210**SUMMONS IN A CIVIL ACTION, FIFTH-PARTY COMPLAINT, NOTICE OF CONFERENCE, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK, ELECTRONIC
CASE FILING RULES & INSTRUCTIONSMANNER OF SERVICE}PERSONAL

- ☐
- By delivering to and leaving with personally}
-
- known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐
- By delivering and leaving with personally}
-
- at the premises which is recipient's actual place of business/usual place of abode. Such person knowing the person to be served and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒
- By delivering and leaving with}
- CAROL VOGT**
-
- the agent for service on the person in this proceeding designated under Rule 306 BCL. Service having been made to such person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐
- By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above. Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the following dates and times:

MAILING

- ☐
- Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential" and mailed to the person stated above at address
-
- on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action against the recipient. The envelope was mailed by ___ first class mail ___ certified mail ___ registered mail ___ return receipt requested.

Deponent further states upon information and belief that said person so served is not in the Military service of the State of New York or the United States as the term is defined in either State or Federal statutes.

DESCRIPTION} deponent describes the person actually served as:

Sex: FEMALE

Race/Skin Color: WHITE

Approximate Age: 54 years Approximate Height: 5'4"

Other: Hair Color: BROWN Approximate Weight: 125 pounds

Subscribed and sworn before me on} JULY 14, 2008

Warren E. Rock #01R06065213
Notary Public, State of New York
Qualified in Schenectady County
Commission Expires 10/09/2009Kathryn A. Rock-McClosky
Commissioner of Deeds
Qualified in Schenectady County
Commission Expires 08/27/2004Attorney Info:
Michael A. Cardozo
350 Jay Street - Eighth Floor
Brooklyn, New York 11201Mark E. McClosky
Deponent

affidavit number: 200811045

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Affidavit of Service

FILED ON:

FILE NO.: 08-6087

CASE NO.: 07-CV-10639 (LAK)

WILLIAM A. GROSS CONSTRUCTION ASSOCIATIONS, INC.

Plaintiff(s)-Petitioner(s)

-VS-

AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY

Defendant(s)-Respondent(s)

STATE OF NEW YORK}
COUNTY OF SCHENECTADY ss.}

I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On JULY 14, 2008

at 2:25 P.M.

Deponent served a true copy of SUMMONS IN A CIVIL ACTION, FIFTH-PARTY COMPLAINT, NOTICE OF CONFERENCE, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK, ELECTRONIC CASE FILING RULES & INSTRUCTIONS bearing index number: 07-CV-10639 and date of filing:
upon **SMI-OWEN STEEL COMPANY, INC.**at address: **THE SECRETARY OF STATE, 99 WASHINGTON AVENUE**
City & State: **ALBANY, NEW YORK 12210**MANNER OF SERVICE}PERSONAL

- ☐
- By delivering to and leaving with personally}
-
- known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐
- By delivering and leaving with personally}
-
- at the premises which is recipient's actual place of business/usual place of abode. Such person knowing the person to be served and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒
- By delivering and leaving with}
- CAROL VOGT**
-
- the agent for service on the person in this proceeding designated under Rule 306 BCL. Service having been made to such person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐
- By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above.
-
- Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the following dates and times:

MAILING

- ☐
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-
- on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action against the recipient. The envelope was mailed by
- first class mail
- certified mail
- registered mail
- return receipt requested
- .

Deponent further states upon information and belief that said person so served is not in the Military service of the State of New York or the United States as the term is defined in either State or Federal statutes.

DESCRIPTION} deponent describes the person actually served as:

Sex: FEMALE

Race/Skin Color: WHITE

Approximate Age: 54 years Approximate Height: 5'4"

Other:

Hair Color: BROWN

Approximate Weight: 125 pounds

Subscribed and sworn before me on} JULY 14, 2008

Karen E. Rock #01R06065213
Notary Public, State of New York
Qualified in Schenectady County
Commission Expires 10/09/2009Kathryn A. Rock-McClosky
Commissioner of Deeds
Qualified in Schenectady County
Commission Expires 08/27/2004Attorney Info:
Michael A. Cardozo
350 Jay Street - Eighth Floor
Brooklyn, New York 11201Mark E. McClosky
Deponent

affidavit number: 200811047

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AFFIDAVIT OF SERVICE

FILED ON:

FILE NO.: 08-6087

CASE NO.: 07-CV-10639 (LAK)

WILLIAM A. GROSS CONSTRUCTION ASSOCIATIONS, INC.

Plaintiff(s)-Petitioner(s)

-VS-

AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY

Defendant(s)-Respondent(s)

STATE OF NEW YORK}
COUNTY OF SCHENECTADY ss.}

I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On JULY 14, 2008

at 2:25 P.M.

Deponent served a true copy of
bearing index number: 07-CV-10639 and date of filing:
upon ASPRO MECHANICAL CONTRACTING, INC.at address: THE SECRETARY OF STATE, 99 WASHINGTON AVENUE
City & State: ALBANY, NEW YORK 12210SUMMONS IN A CIVIL ACTION, FIFTH-PARTY COMPLAINT, NOTICE OF CONFERENCE, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK, ELECTRONIC
CASE FILING RULES & INSTRUCTIONSMANNER OF SERVICE}PERSONAL

- ☐
- By delivering to and leaving with personally}
-
- known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐
- By delivering and leaving with personally}
-
- at the premises which is recipient's actual place of business/usual place of abode. Such person knowing the person to be served
-
- and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒
- By delivering and leaving with} CAROL VOGT
-
- the agent for service on the person in this proceeding designated under Rule 306 BCL. Service having been made to such
-
- person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐
- By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above.
-
- Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and
-
- discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the
-
- following dates and times:

MAILING

- ☐
- Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository
-
- under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential"
-
- and mailed to the person stated above at address
-
- on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action
-
- against the recipient. The envelope was mailed by __first class mail__ certified mail __registered mail__ return receipt requested.

Deponent further states upon information and belief that said person so served is not in the Military service
of the State of New York or the United States as the term is defined in either State or Federal statutes.DESCRIPTION} deponent describes the person actually served as:

Sex: FEMALE

Race/Skin Color: WHITE

Approximate Age: 54 years Approximate Height: 5'4"

Other: Hair Color: BROWN

Approximate Weight: 125 pounds

Subscribed and sworn before me on} JULY 14, 2008

Karen E. Rock #01R06065213

Kathryn A. Rock-McClosky

Notary Public, State of New York

Commissioner of Deeds

Qualified in Schenectady County

Qualified in Schenectady County

Commission Expires 10/09/2009

Commission Expires 08/27/2004

Attorney Info:

Michael A. Cardozo
350 Jay Street - Eighth Floor
Brooklyn, New York 11201Mark E. McClosky
Deponent

affidavit number: 200811046

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AFFIDAVIT OF SERVICE

FILED ON:

FILE NO.: 08-6087

CASE NO.: 07-CV-10639 (LAK)

WILLIAM A. GROSS CONSTRUCTION ASSOCIATIONS, INC.

Plaintiff(s)-Petitioner(s)

-VS-

AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY

Defendant(s)-Respondent(s)

STATE OF NEW YORK}
COUNTY OF SCHENECTADY ss.}

I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On JULY 14, 2008

at 2:25 P.M.

Deponent served a true copy of
bearing index number: 07-CV-10639 and date of filing:
upon MATERIALS TESTING LAB, INC.at address: THE SECRETARY OF STATE, 99 WASHINGTON AVENUE
City & State: ALBANY, NEW YORK 12210SUMMONS IN A CIVIL ACTION, FIFTH-PARTY COMPLAINT, NOTICE OF CONFERENCE, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK, ELECTRONIC
CASE FILING RULES & INSTRUCTIONSMANNER OF SERVICE}PERSONAL

- ☐
- By delivering to and leaving with personally}
-
- known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐
- By delivering and leaving with personally}
-
- at the premises which is recipient's actual place of business/usual place of abode. Such person knowing the person to be served and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒
- By delivering and leaving with} CAROL VOGT
-
- the agent for service on the person in this proceeding designated under Rule 306 BCL. Service having been made to such person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐
- By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above. Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the following dates and times:

MAILING

- ☐
- Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential" and mailed to the person stated above at address on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action against the recipient. The envelope was mailed by __first class mail__ certified mail __registered mail__ return receipt requested.

Deponent further states upon information and belief that said person so served is not in the Military service of the State of New York or the United States as the term is defined in either State or Federal statutes.

DESCRIPTION} deponent describes the person actually served as:

Sex: FEMALE

Race/Skin Color: WHITE

Approximate Age: 54 years

Approximate Height: 5'4"

Other:

Hair Color: BROWN

Approximate Weight: 125 pounds

Subscribed and sworn before me on} JULY 14, 2008

Karen E. Rock #01R06065213
Notary Public, State of New York
Qualified in Schenectady County
Commission Expires: 10/09/2009Kathryn A. Rock-McClosky
Commissioner of Deeds
Qualified in Schenectady County
Commission Expires: 08/27/2004Attorney Info:
Michael A. Cardozo
350 Jay Street - Eighth Floor
Brooklyn, New York 11201Mark E. McClosky
Deponent

affidavit number: 200811051

FILED ON:

FILE NO.: 08-6087

CASE NO.: 07-CV-10639 (LAK)

WILLIAM A. GROSS CONSTRUCTION ASSOCIATIONS, INC.

Plaintiff(s)-Petitioner(s)

-VS-

AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY

Defendant(s)-Respondent(s)

STATE OF NEW YORK}
COUNTY OF SCHENECTADY ss.}

I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On JULY 14, 2008

at 2:25 P.M.

Deponent served a true copy of
bearing index number: 07-CV-10639 and date of filing:
upon **A. WILLIAMS TRUCKING & BACKHOE TRENCHING, INC.**
at address: **THE SECRETARY OF STATE, 99 WASHINGTON AVENUE**
City & State: **ALBANY, NEW YORK 12210**

SUMMONS IN A CIVIL ACTION, FIFTH-PARTY COMPLAINT, NOTICE OF CONFERENCE, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK, ELECTRONIC CASE FILING RULES & INSTRUCTIONS

MANNER OF SERVICE}

PERSONAL

- ☐ By delivering to and leaving with personally }
known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐ By delivering and leaving with personally }
at the premises which is recipient's actual place of business/usual place of abode. Such person knowing the person to be served
and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒ By delivering and leaving with } **CAROL VOGT**
the agent for service on the person in this proceeding designated under Rule 306 BCL. Service having been made to such
person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐ By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above.
Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and
discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the
following dates and times:

MAILING

- ☐ Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository
under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential"
and mailed to the person stated above at address
on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action
against the recipient. The envelope was mailed by first class mail certified mail registered mail return receipt requested.

Deponent further states upon information and belief that said person so served is not in the Military service of the State of New York or the United States as the term is defined in either State or Federal statutes.

DESCRIPTION} deponent describes the person actually served as:

Sex: FEMALE

Race/Skin Color: WHITE

Approximate Age: 54 years

Approximate Height: 5'4"

Other:

Hair Color: BROWN

Approximate Weight: 125 pounds

Subscribed and sworn before me on } JULY 14, 2008

Karen E. Rock #01R06065213

Kathryn A. Rock-McClosky

Notary Public, State of New York

Commissioner of Deeds

Qualified in Schenectady County

Qualified in Schenectady County

Commission Expires 10/09/2009

Commission Expires 08/27/2004

Attorney Info:

Michael A. Cardozo
350 Jay Street Eighth Floor
Brooklyn, New York 11201

Mark E. McClosky
Deponent

affidavit number: 200811052

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FILED ON:

FILE NO.: 08-6087
CASE NO.: 07-CV-10639 (LAK)

WILLIAM A. GROSS CONSTRUCTION ASSOCIATIONS, INC.

Plaintiff(s)-Petitioner(s)

-VS-

AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY

Defendant(s)-Respondent(s)

STATE OF NEW YORK}
COUNTY OF SCHENECTADY ss.}

I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On JULY 14, 2008

at 2:25 P.M.

Deponent served a true copy of
bearing index number: 07-CV-10639 and date of filing:upon **HUGH O'KANE ELECTRIC CO., L.L.C.**at address: **THE SECRETARY OF STATE, 99 WASHINGTON AVENUE**
City & State: **ALBANY, NEW YORK 12210**MANNER OF SERVICE}PERSONAL

- ☐
- By delivering to and leaving with personally
-
- known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐
- By delivering and leaving with personally
-
- at the premises which is recipient's actual place of business/usual place of abode. Such person knowing the person to be served and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒
- By delivering and leaving with}
- CAROL VOGT**
-
- the agent for service on the person in this proceeding designated under Rule 303 LLC. Service having been made to such person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐
- By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above. Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the following dates and times:

MAILING

- ☐
- Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential" and mailed to the person stated above at address
-
- on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action against the recipient. The envelope was mailed by
- first class mail
- certified mail
- registered mail
- return receipt requested
- .

Deponent further states upon information and belief that said person so served is not in the Military service of the State of New York or the United States as the term is defined in either State or Federal statutes.

DESCRIPTION} deponent describes the person actually served as:

Sex: FEMALE

Race/Skin Color: WHITE

Approximate Age: 54 years

Approximate Height: 5'4"

Other:

Hair Color: BROWN

Approximate Weight: 125 pounds

Subscribed and sworn before me on} JULY 14, 2008

Karen E. Rock #01R06065213

Kathryn A. Rock-McClosky

Notary Public, State of New York

Commissioner of Deeds

Qualified in Schenectady County

Qualified in Schenectady County

Commission Expires 10/09/2009

Commission Expires 08/27/2004

Attorney Info:

Michael A. Cardozo
350 Jay Street - Eighth Floor
Brooklyn, New York 11201Mark E. McClosky
Deponent

affidavit number: 200811053

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AFFIDAVIT OF SERVICE

FILED ON:

FILE NO.: 08-6087

CASE NO.: 07-CV-10639 (LAK)

WILLIAM A. GROSS CONSTRUCTION ASSOCIATIONS, INC.

Plaintiff(s)-Petitioner(s)

-VS-

AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY

Defendant(s)-Respondent(s)

STATE OF NEW YORK
COUNTY OF SCHENECTADY ss.}

I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On JULY 14, 2008

at 2:25 P.M.

Deponent served a true copy of
bearing index number: 07-CV-10639 and date of filing:upon **FIVE STAR ELECTRIC CORPORATION**at address: **THE SECRETARY OF STATE, 99 WASHINGTON AVENUE**City & State: **ALBANY, NEW YORK 12210**MANNER OF SERVICEPERSONAL

- ☐
- By delivering to and leaving with personally
-
- known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐
- By delivering and leaving with personally
-
- at the premises which is recipient's actual place of business/usual place of abode. Such person knowing the person to be served and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒
- By delivering and leaving with
- CAROL VOGT**
-
- the agent for service on the person in this proceeding designated under Rule 306 BCL. Service having been made to such person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐
- By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above. Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the following dates and times:

MAILING

- ☐
- Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential" and mailed to the person stated above at address
-
- on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action against the recipient. The envelope was mailed by
- first class mail
- certified mail
- registered mail
- return receipt requested
- .

Deponent further states upon information and belief that said person so served is not in the Military service of the State of New York or the United States as the term is defined in either State or Federal statutes.

DESCRIPTION deponent describes the person actually served as:

Sex: FEMALE

Race/Skin Color: WHITE

Approximate Age: 54 years

Approximate Height: 5'4"

Other:

Hair Color: BROWN

Approximate Weight: 125 pounds

Subscribed and sworn before me on} JULY 14, 2008

Karen E. Rock #01R06065213
Notary Public, State of New York
Qualified in Schenectady County
Commission Expires 10/09/2009Kathryn A. Rock-McClosky
Commissioner of Deeds
Qualified in Schenectady County
Commission Expires 08/27/2004Attorney Info:
Michael A. Cardozo
350 Jay Street - Eighth Floor
Brooklyn, New York 11201Mark E. McClosky
Deponent

affidavit number: 200811050

AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FILED ON:

FILE NO.: 08-6087
CASE NO.: 07-CV-10639 (LAK)

WILLIAM A. GROSS CONSTRUCTION ASSOCIATIONS, INC.

Plaintiff(s)-Petitioner(s)

-VS-

AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY

Defendant(s)-Respondent(s)

STATE OF NEW YORK }
COUNTY OF SCHENECTADY ss. }

I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On JULY 14, 2008

at 2:25 P.M.

Deponent served a true copy of
bearing index number: 07-CV-10639 and date of filing:
upon HERITAGE AIR SYSTEMS, INC.

upon HERITAGE AIR SYSTEMS, INC.

at address: THE SECRETARY OF STATE, 99 WASHINGTON AVENUE

City & State: ALBANY, NEW YORK 12210

SUMMONS IN A CIVIL ACTION, FIFTH PARTY COMPLAINT, NOTICE OF CONFERENCE, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK, ELECTRONIC
CASE FILING RULES & INSTRUCTIONSMANNER OF SERVICEPERSONAL

- ☐
- By delivering to and leaving with personally }
-
- known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐
- By delivering and leaving with personally }
-
- at the premises which is recipient's actual place of business/usual place of abode. Such person knowing the person to be served
-
- and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒
- By delivering and leaving with } CAROL VOGT
-
- the agent for service on the person in this proceeding designated under Rule 306 BCL. Service having been made to such
-
- person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐
- By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above.
-
- Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and
-
- discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the
-
- following dates and times:

MAILING

- ☐
- Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository
-
- under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential"
-
- and mailed to the person stated above at address
-
- on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action
-
- against the recipient. The envelope was mailed by __first class mail__ certified mail __registered mail__ return receipt requested.

Deponent further states upon information and belief that said person so served is not in the Military service
of the State of New York or the United States as the term is defined in either State or Federal statutes.DESCRIPTION deponent describes the person actually served as:

Sex: FEMALE

Race/Skin Color: WHITE

Approximate Age: 54 years Approximate Height: 5'4"

Other:

Hair Color: BROWN

Approximate Weight: 125 pounds

Subscribed and sworn before me on } JULY 14, 2008

Karen E. Rock #01R06065213

Kathryn A. Rock-McClosky

Notary Public, State of New York

Commissioner of Deeds

Qualified in Schenectady County

Qualified in Schenectady County

Commission Expires 10/09/2009

Commission Expires 08/27/2004

Attorney Info:

Michael A. Cardozo
350 Jay Street - Eighth Floor
Brooklyn, New York 11201Mark E. McClosky
Deponent

affidavit number: 200811048

AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FILED ON:

FILE NO.: 08-6087
CASE NO.: 07-CV-10639 (LAK)

WILLIAM A. GROSS CONSTRUCTION ASSOCIATIONS, INC.

Plaintiff(s)-Petitioner(s)

-VS-

AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY

Defendant(s)-Respondent(s)

STATE OF NEW YORK }
COUNTY OF SCHENECTADY ss. }

I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On JULY 14, 2008

at 2:25 P.M.

Deponent served a true copy of
bearing index number: 07-CV-10639 and date of filing:
upon **FUTURE TECH CONSULTANTS OF NEW YORK, INC.**
at address: **THE SECRETARY OF STATE, 99 WASHINGTON AVENUE**
City & State: **ALBANY, NEW YORK 12210**SUMMONS IN A CIVIL ACTION, FIFTH-PARTY COMPLAINT, NOTICE OF CONFERENCE, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK, ELECTRONIC
CASE FILING RULES & INSTRUCTIONSMANNER OF SERVICEPERSONAL

- ☐
- By delivering to and leaving with personally }
-
- known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐
- By delivering and leaving with personally }
-
- at the premises which is recipient's actual place of business/usual place of abode. Such person knowing the person to be served
-
- and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒
- By delivering and leaving with }
- CAROL VOGT**
-
- the agent for service on the person in this proceeding designated under Rule 306 BCL. Service having been made to such
-
- person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐
- By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above.
-
- Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and
-
- discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the
-
- following dates and times:

MAILING

- ☐
- Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository
-
- under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential"
-
- and mailed to the person stated above at address
-
- on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action
-
- against the recipient. The envelope was mailed by ___ first class mail ___ certified mail ___ registered mail ___ return receipt requested.

Deponent further states upon information and belief that said person so served is not in the Military service
of the State of New York or the United States as the term is defined in either State or Federal statutes.DESCRIPTION deponent describes the person actually served as:Sex: FEMALE Race/Skin Color: WHITE
Approximate Age: 54 years Approximate Height: 5'4"
Other:Hair Color: BROWN
Approximate Weight: 125 pounds

Subscribed and sworn before me on } JULY 14, 2008

Karen E. Rock #01R06065213
Notary Public, State of New York
Qualified in Schenectady County
Commission Expires 10/09/2009Kathryn A. Rock-McClosky
Commissioner of Deeds
Qualified in Schenectady County
Commission Expires 08/27/2004Attorney Info:
Michael A. Cardozo
350 Jay Street - Eighth Floor
Brooklyn, New York 11201Mark E. McClosky
Deponent

affidavit number: 200811049

WILLIAM A. GROSS CONSTRUCTION ASSOCIATIONS, INC.

Plaintiff(s)-Petitioner(s)

-VS-

AMERICAN MANUFACTURERS MUTUAL INSURANCE COMPANY

Defendant(s)-Respondent(s)

STATE OF NEW YORK}
COUNTY OF SCHENECTADY ss.}

I, Mark E. McClosky being duly sworn, deposes and says that deponent is over the age of eighteen years, is not a party in this proceeding and resides in New York State.

On JULY 14, 2008

at 2:25 P.M.

Deponent served a true copy of bearing index number: 07-CV-10639 and date of filing:
SUMMONS IN A CIVIL ACTION, FIFTH-PARTY COMPLAINT, NOTICE OF CONFERENCE, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK, ELECTRONIC CASE FILING RULES & INSTRUCTIONS

upon **STONEWALL CONTRACTING CORPORATION**

at address: **THE SECRETARY OF STATE, 99 WASHINGTON AVENUE**

City & State: **ALBANY, NEW YORK 12210**

MANNER OF SERVICE}

PERSONAL

- ☐ By delivering to and leaving with personally} known to the deponent to be the same person mentioned and described in the above proceeding as the person to be served.

SUITABLE AGE PERSON

- ☐ By delivering and leaving with personally} at the premises which is recipient's actual place of business/usual place of abode. Such person knowing the person to be served and associated with him/her, and after conversing with him/her, deponent believes him/her to be a suitable age and discretion.

AUTHORIZED AGENT

- ☒ By delivering and leaving with} **CAROL VOGT** the agent for service on the person in this proceeding designated under Rule 306 BCL. Service having been made to such person at the place, date and time above.

AFFIXING TO DOOR, ETC.

- ☐ By affixing a true copy of each to the door of the actual place of business, dwelling place or usual place of abode stated above. Deponent was unable with due diligence to find the proper or authorized person to be served, or a person of suitable age and discretion at the actual place of business, dwelling place or usual place of abode stated above after having called there on the following dates and times:

MAILING

- ☐ Deponent completed service by depositing a true copy of each in a postpaid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service. The package was labeled "Personal & Confidential" and mailed to the person stated above at address on . The envelope did not indicate on the outside that the communication was from an attorney or concerned an action against the recipient. The envelope was mailed by first class mail certified mail registered mail return receipt requested.

Deponent further states upon information and belief that said person so served is not in the Military service of the State of New York or the United States as the term is defined in either State or Federal statutes.

DESCRIPTION} deponent describes the person actually served as:

Sex: FEMALE

Race/Skin Color: WHITE

Approximate Age: 54 years

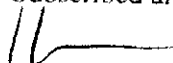
Approximate Height: 5'4"

Other:

Hair Color: BROWN

Approximate Weight: 125 pounds

Subscribed and sworn before me on} JULY 14, 2008



Karen E. Rock #01R06065213
Notary Public, State of New York
Qualified in Schenectady County
Commission Expires 10/09/2009

Kathryn A. Rock-McClosky
Commissioner of Deeds
Qualified in Schenectady County
Commission Expires 08/27/2004

Attorney Info:
Michael A. Cardozo
350 Jay Street Eighth Floor
Brooklyn, New York 11201

Mark E. McClosky
Deponent

affidavit number: 200811041

NEW YORK STATE INSURANCE DEPARTMENT

Nº 14223

DATE 7-11 2008 CK# 1067094

RECEIVED OF Edwin M. Levy

Forty DOLLARS
William J. Gross Construction Associates
V. CNA Surety Corporation
\$ 40.00 Recd: Edward Thompson
Legal Asst
BY: CHARLONNE MORRIS

STATE OF NEW YORK
COUNTY OF NEW YORK

)
) ss.:
)

CASE: William H. Gross Const V. American Manufacturers

Jonathan Rivera

being duly sworn, says that on the 11th day of July 2008 at Number
25 Beaver St. in the Borough of Manhattan New York City, he served
1 copy(ies) of the annexed Summons & 3rd Party Complaint
upon NYC Office of the NYS Insurance Dept. Esq., the attorney for the _____ in
the within entitled action, by delivering a copy of the same to a person in charge of said Attorney's office, and leaving the same
with him.

Sworn to before me, this 11th

Day of July 2008

Jonathan Rivera
JOHN B. SINNOTT
Notary Public, State of New York
No. 01SI5078019
Qualified in Queens County
Commission Expires May 19, 2011

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:
CASE: William H. Gross Const / American Manufacturers

Jonathan Rivera

being duly sworn, says that on the 11th day of July 2008 at Number 25 Beaver St. in the Borough of Manhattan New York City, he served 2 copy(ies) of the annexed Summons & Fifth Party Complaint upon NYS Office of the NYS Insurance Dept. Esq. the attorney for the _____ in the within entitled action, by delivering a copy of the same to a person in charge of said Attorney's office, and leaving the same with him.

Sworn to before me, this 11th day of July 2008

John P. Sinnott
JOHN P. SINNOTT
Notary Public, State of New York
No. 01615070019
Qualified in Queens County
Commission Expires May 19, 2011

NEW YORK STATE INSURANCE DEPARTMENT

No. 14222

DATE 7-11 2008 CK# 1067093

RECEIVED OF Edwin M. Levy

Forty DOLLARS

William A. Gross Construction Associates
CNA Surety Corporation

\$40.00 Recd. Edward Thompson
Legal Asst

BY: CHARLENE NORRIS